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Attorneys for: DREYER'S GRAND ICE CREAM, INC., DREYER'S GRAND ICE CREAM HOLDINGS, INC., and EDY'S GRAND ICE CREAM, INC.

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

ICE CREAM DISTRIBUTORS OF  
 EVANSVILLE, LLC,

Plaintiffs,

v.

DREYER'S GRAND ICE CREAM, INC., a  
 corporation, DREYER'S GRAND ICE  
 CREAM HOLDINGS, INC., a corporation,  
 EDY'S GRAND ICE CREAM, INC., a  
 corporation, RANDY STATHERS, an  
 individual, and DOES 1 to 20, inclusive,

Defendants.

Case No. C09-5815-CW(LB)

**STIPULATION AND ORDER TO  
 EXTEND DEADLINE FOR  
 SETTLEMENT CONFERENCE**

Complaint Filed: 12/11/09

Date: September 8, 2010  
 Time: 10:30 a.m.  
 Dept: Courtroom 2, Fourth Floor

DREYER'S GRAND ICE CREAM, INC. a  
 Delaware corporation,

Plaintiff,

v.

ICE CREAM DISTRIBUTORS OF  
 EVANSVILLE, LLC, a Kentucky limited  
 liability company, and SPIN CITY  
 HOLDINGS, an Indiana limited liability  
 company,

Defendants.

Case No. 10-00317 CW(LB)

Complaint Filed: January 22, 2010

Date: April 13, 2010  
 Time: 10:30 a.m.  
 Dept: Courtroom 2, Fourth Floor

STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR SETTLEMENT  
 CONFERENCE  
 CASE NO. 10-00417 CW

Pursuant to ADR Civil L.R. 7-4 and Civil L.R. 6-2 and 7-12, Dreyer's Grand Ice Cream, Inc., Dreyer's Grand Ice Cream Holdings, Inc., Edy's Grand Ice Cream, Inc. (collectively "Dreyer's") and Ice Cream Distributors of Evansville, LLC and Spin City Holdings, (collectively "ICD") hereby stipulate and request an Order to continue the Settlement Conference scheduled for September 8, 2010 at 10:30 a.m. until a date after the Court rules on Dreyer's Motion to Dismiss ICD's Second Amended Complaint ("Dreyer's Motion") in Civil Action No. C09-5815-CW.

### **STIPULATION**

WHEREAS the Court has scheduled a settlement conference in the above-entitled actions for September 8, 2010 at 10:30 a.m.;

WHEREAS the parties' have just completed briefing on Dreyer's Motion;

WHEREAS the Court will not likely rule on Dreyer's Motion before September 8, 2010;

WHEREAS the parties believe a settlement conference before the Court rules on Dreyer's Motion will not be productive since the parties will not know what claims remain in the case;

WHEREAS the only time modifications in the case have been rescheduling the settlement conference from 11:00 a.m. on September 8, 2010 to 10:30 a.m. on that same date;

WHEREAS this stipulation will not have any other effect on the schedule for the above-entitled cases;

ACCORDINGLY Dreyer's and ICD stipulate and request an Order continuing the currently scheduled Settlement Conference until after the Court rules on Dreyer's Motion to Dismiss.

DATED: August 24, 2010

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

By: /s/ Robert D. Tadlock

ROBERT D. TADLOCK

Attorneys for: DREYER'S GRAND ICE CREAM, INC., DREYER'S GRAND ICE CREAM HOLDINGS, INC., and EDY'S GRAND ICE CREAM, INC.,

1 DATED: August 24, 2010

BRACAMONTES & VLASAK, P.C.

2  
3 By: /s/ Michael R. Bracamontes

4 MICHAEL R. BRACAMONTES

5 Attorneys for: ICE CREAM DISTRIBUTORS OF  
6 EVANSVILLE, LLC

7  
8 **ORDER**

9 PURSUANT TO STIPULATION, IT IS SO ORDERED.

10  
11 Dated: 8/26/2010

12 

13 Hon. Claudia Wilken  
14 U.S. District Court Judge

15 62842112 v1